# **EXHIBIT E**

⊭ 2 93 , Pev 6/82

## SEARCH WARRANT ON WRITTEN AFFIDAVIT

# United States District Court

DISTRICT

WESTERN DISTRICT OF WISCONSIN

United States of America

MAGISTRATE JUDGE CASE NO.

07-052M-X

V,

35060 225th Avenue Gilman, Wisconsin

TO:

ANY AUTHORIZED LAW ENFORCEMENT OFFICER

Affidavit(s) having been made before me by the below-named affiant that he/she has reason to believe that [] on the person of (or) [X] on the premises known as:

35060 225th Avenue, Gilman, Wisconsin (further described in Attachment A)

in the Western District of Wisconsin, there is now being concealed certain property, namely:

### SEE ATTACHMENT B

and as I am satisfied that there is probable cause to believe that the property so described is being concealed on the person or premises above-described and the grounds for application for issuance of the search warrant exist as stated in the supporting affidavit(s).

ARE HEREBY COMMANDED to search on or before JUNE 10, 2007

to exceed 10 days) the person or place named above for the property specified, serving this warrant and making the search (in the daytime -- 6:00 a.m. to 10:00 p.m.) or (at anytime in the day or night)1 and if the property be found there to seize it, leaving a copy of this warrant and receipt for the property taken, and prepare a written inventory of the property seized and promptly return this warrant to Magistrate Judge Stephen L. Crocker or Magistrate Judge Theresa M. Owens as required by law.

NAME OF AFFIANT

Special Agent Liane Sellner Bureau of Alcohol, Tobacco, Firearms & Explosives

SIGNATURE OF MAGISTRATE JUDGE

Stor Colm

Date/Time Issued

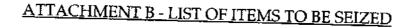
5-31-07 4:20pm

, Case 1:07-cr-0	RETURN	5/10/2008 Page 3 of 94
Date Warrant Received	Date and Time Warrant Executed	Copy of Warrant and Receipt for Items Left wi
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nventory of Property Taken Pursuant	t to the Warrant:	
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# ATTACHMENT A - PREMISES TO BE SEARCHED

The property to be searched is located at 35060 225th Avenue, Gilman, Wisconsin. This property consists of an approximately 40-acre parcel of land containing a white and green two-story wood frame house, a white single-wide trailer and various other buildings and vehicles, including a tank.



- 1. Machine guns, machine gun parts to include but not limited barrels, trigger assemblies, receiver, springs, conversion kits, and tools used in the manufacture of machine guns or other firearms or explosive devices, all regardless of registration status.
- 2. Silencers, components used in the manufacture of silencer to include but not limited to metal tubes, washers, steel wool, machining tools, regardless of registration status.
- 3. Books, manuals and diagrams regarding silencer and machine gun manufacture.
- Any and all explosives or explosive devices, regardless of registration status.
- Literature for the manufacture or production of explosives.
- 6. Components to manufacture explosives including but not limited to ignition parts, delay devices, and initiators.
- Any and all RPG's (Rocket Propelled Grenades) and launchers.
- 8. Any and all artillery projectiles.
- 9. Any other items that appear to be military equipment available through armed services supply depots.
- 10. Any and all documents and records, whether hard copy or digital, related to the sale, purchase, barter or manufacture of firearms, explosives and any other military equipment, to include computer equipment, programs, or files—including computer hardware, computer software, computer disks and other data storage devices, and any files or data contained within such equipment or programs.

AO 106 Rev 8/82

### AFFIDAVIT FOR SEARCH WARRANT

# United States District Court

United States of America

 $\mathbf{v}$ .

35060 225th Avenue Gilman, Wisconsin

DISTRICT

WESTERN DISTRICT OF WISCONSIN

DOCKET NO.

MAGISTRATE JUDGE CASE NO. <sup>7</sup>-052М-Х

NAME AND ADDRESS OF JUDGE! OR MAGISTRATE JUDGE

STEPHEN L. CROCKER United States Magistrate Judge 120 N. Henry Street Madison, WI 53703

The undersigned being duly sworn deposes and says: That there is reason to believe that

[] on the person of

[x] on the premises known as

DISTRICT

WESTERN DISTRICT OF WISCONSIN

35060 225th Avenue, Gilman, Wisconsin (further described in Attachment A)

The following property (or person) is concealed: SEE ATTACHMENT B

ant alleges the following grounds for search and seizure2:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED AS PART OF THIS AFFIDAVIT FOR SEARCH WARRANT.

Affiant states the following facts establishing the foregoing grounds for issuance of a search warrant:

SEE ATTACHED AFFIDAVIT WHICH IS INCORPORATED AS PART OF THIS AFFIDAVIT FOR SEARCH WARRANT.

SIGNATURE OF AFFIANT

OFFICIAL TITLE, IF ANY

Liane Sellner

Special Agent

Bureau of Alcohol, Tobacco, Firearms &

Explosives

Sworn to before me, and subscribed in my presence:

DATE

5-31-07

MAGISTRATE JUDGE

<sup>&</sup>lt;sup>1</sup>United States Judge or Judge of a State Court of Record.

 $<sup>^2</sup>$  If a search is to be authorized "at any time in the day or night" pursuant to Federal Rules of Criminal Procedure 41(c), show reasonable cause therefor.



#### <u>AFFIDAVIT</u>

Document 8-3

STATE OF WISCONS	IN)
DANE COM	) ss.
DANE COUNTY	)

I, Liane Sellner, being first duly sworn on oath, depose and state as follows:

- 1. I am employed as a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I am currently assigned to the Madison field office. I have served as a special agent since September 2003. It is part of my duties to investigate violations of federal criminal law, including violations of federal firearms and explosives laws.
- 2. The information contained in this affidavit was provided to me by other law enforcement officers during the course of their official duties, and as such, I believe them to be reliable.
- 3. This affidavit is submitted in support of an application for a search warrant for the premises located at 35060 225th Avenue, Gilman, Wisconsin, further described in Attachment A.
- 4. For the reasons set forth below, I believe that now located at the premises described above in paragraph 3, and further described in Attachment A, are the fruits, evidence, and instrumentality of criminal offenses against the United States related to the unlawful possession and sale of firearms, explosives and other government property in violation of federal law, including but not limited to firearms and explosives statutes, further described in Attachment B.
- 5. I received and reviewed a copy of a complaint filed on May 21, 2007, in the



Southern District of New York, Case Number 07MAG824, charging David Raymond Carmel (Carmel) with three counts of selling government property in violation of Title 18, United States Code, Sections 641 and 2. I have discussed this complaint with the affiant, Special Agent Lori A. Iadovito, who confirmed that the facts set forth therein are true and accurate. That complaint is attached to this affidavit as Attachment C and hereby incorporated by reference. The complaint alleges that Carmel unlawfully sold to an undercover agent, three AN/PEQ-2A weapons-mounted infrared laser-aiming light sources ("PEQ's") that were made under contract for the United States and a department thereof, and manufactured for military and law enforcement use only.

- I received the information contained in the following paragraph from Special 6. agents of the Immigration & Customs Enforcement (ICE) and Defense Criminal Investigative Services (DCIS), including Special Agents Kai Wah Chan and Lori Iadovito, who I believe to be truthful in that they obtained this information during the course of their official duties.
- On May 22, 2007, an ICE agent acting in an undercover capacity made a. telephone contact with David R. Carmel, DOB 12-03-74. The undercover agent (UC) was calling from New York area and Carmel was located in Gilman, Wisconsin. The UC discussed with Carmel the opportunity to establish a meeting. Carmel was the target of an ICE investigation involving the theft, sale and diversion of stolen military supplies including weapons. Carmel agreed to a meeting. Several other calls were made and a final meeting place was set at the Leinenkugel's Brewery in Chippewa Falls on May 30,

2007 at 1:45 p.m. These phone calls were recorded. Special Agent Kai Wah Chan listened these conversations and communicated some of the information to me.

- b. During these phone conversations, Carmel made a number of statements to the UC. Carmel invited the UC to his property to shoot. The UC asked what types of weapons Carmel possessed. Carmel stated he owned three weapons identified as a Rheinmetall MG3, a MG 34 & a Heckler & Kock HK21. Carmel stated that whatever ammunition the UC would bring, he would have a weapon to shoot it. There was a discussion about night-vision equipment. The property to which Carmel referred is located at 35060 225th Ave., Gilman, Wisconsin.
- 7. The information in this paragraph was provided to me by Investigator Chad Holum, Chippewa County Sheriff's Department, whom I believe to be reliable because the information was obtained during the course of Investigator Holum's official duties.
- a. The address 35060 225th Ave., Gilman, Wisconsin, is the residence of David R. Carmel, and consists of approximately 40 acres of land and includes a white and green two-story wood-frame house, a white single-wide trailer and a number of outbuildings and vehicles, to include a tank. Investigator Holum did an Accurint search of the name David Raymond Carmel, which came back to this address.
- b. At 1:30 p.m. on May 30, 2007, Carmel was taken into custody by special agents of DCIS pursuant to a federal arrest warrant based on the complaint in Attachment C. Carmel was then transported to the Chippewa County Sheriff's Office. Holum noted that when Carmel was booked in, he provided 35060 225th Avenue,

Gilman, Wisconsin, as his home address.

- c. During a search of the vehicle incident to arrest, the officers, assisted by deputies of the Chippewa County Sheriff's Office located a two top handles made for a M16 machine gun. These handles contained a portion of the functional part of a M16 machine gun. Based upon his training experience in the Marine Corp and in law enforcement, Holum stated that without this part, the M16 would be unable to function unless the weapon has been altered in some manner.
- d. Once at the jail, Carmel was interviewed. Carmel stated that he possessed one machine gun, MG M-119, and stated he possessed a license for this weapon from the ATF (Department of the Treasury). When asked about other types of machine guns, Carmel refused to answer any questions in this area. Carmel stated he and his girlfriend lived in the trailer and his parents occupy the house. He stated he had a shed as well. He further stated he worked for his father in the machine shop. Carmel also stated he has in a storage shed pieces of tanks, bullet shells, and machines. He further stated that when he discharged from the military he had transported gun barrels and ammunition to Wisconsin. He stated he had machine gun barrels which he had purchased from commercial sources. Carmel did not specify any limitations as to entering any of the buildings on the premises. At one point, Carmel was allowed to call his father. During this phone conversation, Carmel told his father that the feds had arrested him, and that his father could guess what it is for.
- 8. Based upon the above information, Investigator Holman applied for and obtained

- a state search warrant signed by Court Commissioner Robert McKinley. Holman and other law enforcement personnel proceeded to that residence and commenced a search.
- 9. According to officers who were at the search scene, officers entered the main building upon being notified by Holman that the warrant was signed. Approximately ten minutes later, Holman received a call from Sgt. Jeffery Soppeland indicating that upon entering the residence, they had observed a large amount of weapon ands were going to wait until Holman and federal agents arrived. Sgt Jeffery Soppeland described to Holman that he had observed several rifles, hand guns, and a shoulder rocket launcher. Sgt. Soppeland advised Holman that he had observed a silencer attached to rifles and hand guns and a silencer not attached to any firearm. Sgt Soppeland advised Holman that based on his training and experience as a firearms instructor, he identified these devises as silencers. Sgt Soppeland was part of a briefing between two federal agencies as to how to effect an arrest of David R. Carmel. During this briefing one of the special agents discussed optics stolen by Carmel. During his time in the residence, Sgt. Soppeland observed optical devises that matched the description of the optics described by the federal agents.
- 10. Shortly thereafter, Holman and federal agents arrived. Also present was one ATF agent. Special Agent Kai Wah Chan with the Immigration and Customs Enforcement entered large storage building described as a machine shop and observed numerous pelican cases with the marking s AN/PEQ-2A as well as AN/PAQ-4C on the cases. Based on Special Agent Chan's training and experience, these markings are known to be



infrared laser-aiming devices manufactured by Insight Technology, INC. for the U.S. Military and approved Law Enforcement agencies, and consistent with those that Carmel was alleged to have sold to an undercover officer as set forth in Attachment C. Through discussions with the manufacturer, Special Agent Kai Wah Chan was informed by Insight Technology, Inc. that the devices are not available in the civilian market. In addition Special Agent Lori Iadovito from the Defense Criminal Investigative Service observed the above mentioned units in the basement of the main residence along with other yet to be identified optical devices.

- 11. Special Agent William E. Tonglet, ATF, was also present. According to Special Agent Tonglet, he entered the main residence on the property. Therein he observed numerous firearms, some of which had selector switches consistent with fully automatic weapons. While checking the weapons to see if any had been modified with parts capable of use to modify a weapon into a machine gun and reported to be on the premises, the agent performed function tests on at least 40 weapons. He determined that 30 of these weapons functioned in a manner consistent with fully automatic weapons. Based upon the statements Carmel made to Special Agent Tonglet, he only possessed a license for one fully automatic weapon.
- 12. On May 31, 2007, a representative from the Fort McCoy Explosive Ordinance Disposal (EOD) unit along with Special Agent Michael Quick of the ATF reviewed photos taken of several items observed by law enforcement officers at the residence of David Carmel during the execution of the state search warrant on May 30, 2007. The



information contained in this paragraph was provided by these individuals.

- In these photos, they observed approximately (20) 40mm grenades. These a. items are high explosives and appear from the photos to be active. However only closer inspection would reveal if these items are live. When live, these items are considered to be destructive devices, and are illegal to possess unless registered in the National Firearms Registration and Transfer Record.
- Additionally observed in the photos were an RPG (Rocket Propelled b. Grenade) mounted to a launcher along with a launcher. The RPG appeared to be live as well, but would necessitate closer inspection for confirmation.
- There were also numerous artillery projectiles ranging in size from twenty c. to one hundred fifty-five millimeters. From the photos it was not known if these items are live or not. Also observed were several other 40 mm target rounds which typically contain explosives and are considered to be destructive devices and illegal to possess.
- There were also ammunition cans which were marked with the word d. "explosives", three large machine guns commonly referred to as chain guns were depicted in the photos, and two 81mm mortar tubes were shown in the photos as well.
  - All of the aforementioned items are of a military nature. e.
- 13. Pursuant to a check of the National Firearms Registration and Transfer Records it was determined that David Carmel has the following firearms registered to him: (1) One SWD, Inc, model M11, 9mm machine gun, serial number 86-0005825; (2) one model M203, 40mm destructive device(underbarrel grenade launcher), bearing serial number:

Filed 05/10/2008



USA001; (3) one 9mm silencer bearing serial number 86-0005825; (4) one .22 caliber silencer bearing serial number A58199U; and (5) one Gemtech, model M4-96D, 5.56mm suppressor, bearing serial S98-3704. Examination of Carmel's application to make and register the abovementioned weapons indicates that he manufactured the second, third and fourth devices in the above list. Closer examination is necessary to determine whether these items were manufactured using stolen government property. Further, Carmel is currently charged in a federal complaint with a felony, and if indicted would be prohibited from possessing any firearms or ammunition as those terms are defined by federal statute.

Based on the information contained in the complaint included as Attachment C, 14. Carmel used the internet to sell government property. Accordingly, I believe that probable cause exists to search Carmel's computer equipment, programs, or files—including computer hardware, computer software, computer disks and other data storage devices, and any files or data contained within such equipment or programs.

## Specifics of Search and Seizure of Computer Systems

- 15. Based upon my training and experience, I know that computer hardware, software, documentation, passwords, and data security devices may be important to a criminal investigation in two distinct and important aspects: (1) the objects themselves may be instrumentalities, fruits, or evidence of a crime, and/or (2) the objects may have been used to collect and store information about crimes in the form of electronic data.
- Based upon my knowledge, training, and experience, and the experience of other 16.



law enforcement personnel, I know that searches and seizures of evidence from computers commonly requires agents to seize most or all computer items (hardware, software, and instructions) to be processed later by a qualified computer expert in a laboratory or other controlled environment. This is almost always true because of the following:

- Computer storage devices (like hard disks, diskettes, tapes, laser disks, Bernoulli Drivers, and others) can store the equivalent of thousands of pages of information. Especially when the user wants to conceal criminal evidence, he or she often stores it in random order with deceptive file names. This requires searching authorities to examine all the stored data to determine whether it is included in the warrant. The sorting process can take weeks or months, depending on the volume of data stored, and it would be impractical to attempt this kind of data search on site; and
- Ъ. Searching computer systems for criminal evidence is a highly technical process requiring expert skill and a properly controlled environment. The vast array of computer hardware and software available requires even computer experts to specialize in some systems and applications, so it is difficult to know before the search which expert should analyze the system and its data. The search of a computer system is an exacting scientific procedure which is designed to protect the integrity of the evidence and to recover even "hidden", erased, compressed, password-protected, or encrypted files. Since computer evidence is extremely vulnerable to tampering or destruction (both from external sources or from destructive code embedded in the system as a "booby trap"), the



controlled environment of a laboratory is essential to its complete and accurate analysis.

- 17. In order to fully retrieve data from a computer system, the analyst needs all magnetic storage devices as well as the central processing unit (CPU). In addition, the analyst needs all the system software (operating systems or interfaces, and hardware drivers) and any applications software which may have been used to create or display the data (whether stored on hard drives or external media). I know that computer and computer software may be utilized to store records, which include but are not limited to, those relating to business activities, criminal activities, associate names and addresses, and the identity and location of assets illegally gained through criminal activity.
- 18. When any computer equipment, storage devices, or programs are seized, and when any files or electronic data are recovered, it will be necessary to search and analyze these files and data in order to determine whether they are relevant. The analysis of electronically stored data, performed in a laboratory or other controlled environment, may entail any or all of several different techniques. Such techniques may include, but shall not be limited to, surveying various file "directories" and the individual files they contain (analogous to looking at the outside of the file cabinet for the pertinent files, in order to locate the evidence and instrumentalities authorized for seizure by the warrant); "opening" or reading the first few "pages" of such files in order to determine their precise contents; "scanning" storage areas to discover and possibly recover recently deleted data; scanning storage areas for deliberately hidden files; or performing electronic "keyword" searches through all electronic storage areas to determine whether



occurrences of language contained in such storage areas exists that are intimately related to the subject matter of the investigation.

19. When examining computer evidence, it may be necessary for programmers and employers of third-party providers to assist law enforcement in order to recover or interpret electronic data.

Dated this 31st day of May 2007.

Liane Sellner, Special Agent

Bureau of Alcohol, Tobacco, Firearms and Explosives

Sworn to before me this  $\frac{3}{100}$  day of May 2007.

United States Magistrate Judge



### ATTACHMENT A - PREMISES TO BE SEARCHED

The property to be searched is located at 35060 225th Avenue, Gilman,
Wisconsin. This property consists of an approximately 40-acre parcel of land containing
a white and green two-story wood frame house, a white single-wide trailer and various
other buildings and vehicles, including a tank.

### ATTACHMENT B - LIST OF ITEMS TO BE SEIZED

- 1. Machine guns, machine gun parts to include but not limited barrels, trigger assemblies, receiver, springs, conversion kits, and tools used in the manufacture of machine guns or other firearms or explosive devices, all regardless of registration status.
- 2. Silencers, components used in the manufacture of silencer to include but not limited to metal tubes, washers, steel wool, machining tools, regardless of registration status.
- 3. Books, manuals and diagrams regarding silencer and machine gun manufacture.
- Any and all explosives or explosive devices, regardless of registration status.
- Literature for the manufacture or production of explosives.
- 6. Components to manufacture explosives including but not limited to ignition parts, delay devices, and initiators.
- Any and all RPG's (Rocket Propelled Grenades) and launchers.
- 8. Any and all artillery projectiles.
- 9. Any other items that appear to be military equipment available through armed services supply depots.
- 10. Any and all documents and records, whether hard copy or digital, related to the sale, purchase, barter or manufacture of firearms, explosives and any other military equipment, to include computer equipment, programs, or files—including computer hardware, computer software, computer disks and other data storage devices, and any files or data contained within such equipment or programs.



## <u>AFFIDAVIT ATTACHMENT C - CRIMINAL COMPLAINT</u>



(Sale of Stolen Government Property)

In or about June 2006, in the Southern District of New York and elsewhere, DAVID RAYMOND CARMEL, the defendant, unlawfully, wilfully, and knowingly converted to his use and the use of another and, without authority, sold, conveyed, and disposed of a thing of value of the United States and of a department thereof, and property made under contract for the United States and a department thereof, to wit, one PEQ.

(Title 18, United States Code, Sections 641 & 2.)

COUNT THREE:

(Sale of Stolen Government Property)

In or about February 2007, in the Southern District of New York and elsewhere, DAVID RAYMOND CARMEL, the defendant, unlawfully, wilfully, and knowingly converted to his use and the use of another and, without authority, sold, conveyed, and disposed of a thing of value of the United States and of a department thereof, and property made under contract for the United States and a department thereof, to wit, two PEQs.

(Title 18, United States Code, Sections 641 & 2.)

The bases for my knowledge and for the foregoing charges, are, in part, as follows:

I am and have been a Special Agent with the United States Department of Defense ("DoD"), Office of Inspector General, Defense Criminal Investigative Service ("DCIS"), for approximately one year. I am currently assigned to the New York Resident Agency in Melville, Long Island. My duties include investigating crucial national defense priorities, such as terrorism, product substitution, and technology transfer, including the knowing conversion and sale of stolen Government property, in violation of 18 U.S.C. § 641. Through my training and experience, I have become familiar with the manner in which military articles and other materials are illegally obtained, purchased, sold, transported, and exported, and the methods of payment for such contraband. Prior to becoming a DCIS Special Agent, I was, first, a U.S. Customs and Border Protection Officer assigned to JFK International Airport for approximately two years, then an



Immigration Enforcement Agent, U.S. Immigration and Customs Enforcement ("ICE"), for approximately one year.

2. Because this Complaint is submitted for a limited purpose, I have not set forth in this Complaint each and every fact I have learned during this investigation. The statements in this Complaint are based on my own observations and information that has been conveyed to me by others, including Special Agents with ICE and other DCIS Special Agents. Where statements of others are related in this Complaint, they are related in substance and in part, unless otherwise noted.

#### Background

- Based on my training, experience, and knowledge, I know the following:
- weapons-mounted infrared laser-aiming devices, manufactured by Insight Technology, Inc. ("Insight Technology") for military and law enforcement use only. Pursuant to the governing DoD directive currently in effect, when any of these devices are no longer in military use, their key "points" or components are to be cut, crushed, broken, or melted "to the degree required to preclude repair or restoration to original intended use." Defense Demilitarization Manual 4160.21-M-1, Category XII(B), (E)(1) (October
- b. <u>eBay Auctions</u>. eBay is an Internet-based, international trading community where millions of people buy and sell items daily. Most of the selling on eBay occurs in an auction format. The seller posts an item on eBay's web site (www.ebay.com) for a specified duration (3, 5, 7, or 10 days) and buyers bid on items they wish to purchase. The person who places the highest bid (or the one who opts to bypass the auction process and purchases the item at the seller's asking price under the "Buy it Now" option) is the "winner." At that point, the buyer and seller make arrangements, typically through their respective e-mail or PayPal accounts, for payment and subsequent shipping of the item. In order to conduct commerce on eBay, a user (a seller or bidder) must register with eBay. requires first and last name, address, telephone number, an eBay Registration auction identifier (screen name), and, most importantly, an email address.



- 4. On or about April 24, 2006, ICE agents identified several items being offered for sale on eBay by the username "theoldeman." Through a confidential informant, they determined that eBay username "theoldeman" was registered to the father of DAVID RAYMOND CARMEL, the defendant, who was offering to sell a "destroyed" Leupold rifle scope. An ICE agent in ICE's office in Manhattan, in an undercover capacity ("U/C"), enquired by email with "theoldeman" about the possibility of purchasing additional Leupold scopes in better condition, whereupon U/C was referred to CARMEL, whose telephone number his father gave U/C.
- AYMOND CARMEL, the defendant, in a consensually recorded telephone conversation, in which CARMEL, among other things, gave his e-mail address as midnx@yahoo.com and arranged for the sale of a Leupold scope and one PEQ. In addition, he stated that he had "some laser sighting stuff . . . various night vision things. Nothing absolutely state of the art but solid stuff. Stuff that you can't generally buy." He further cautioned that PEQs were "never, ever, ever, ever sold on the civilian market to anyone. . . " CARMEL told U/C, "Keep it to yourself. Federal government does not want you to have that." U/C said he had used such items in the military, to which CARMEL replied, "I still know a lot of people still in and for the most part anything is relatively available. . . "
- Through my review of Naval records, I was able to determine that DAVID RAYMOND CARMEL, the defendant, was until May 31, 2005, a United States Naval Lieutenant on active duty as the supply officer to the USS Shrike, a minesweeper stationed at the Naval Station in Ingleside, Texas ("NSI"). In that position, CARMEL had electronic access to inventories of supply depots of all the armed services worldwide, and caused the USS Shrike to purchase hundreds of PEQs, machine gun barrels, night vision goggles, and various machine gun parts through the Naval Supply system. Other agents and I have spoken to CARMEL's former supervisor, who advised us that the USS Shrike never needed or used any such equipment and that CARMEL was relieved of his duties as supply officer for misappropriating government property and misuse of his authority. On or about November 30, 2005, according to Naval records and witnesses in the Ingleside area whom other agents and I interviewed, CARMEL separated from the Navy Reserves

and, whereupon he moved to his family's residence in Gilman, Wisconsin.

- 7. On or about May 1, 2006, U/C negotiated with DAVID RAYMOND CARMEL, the defendant, a sales price of approximately \$700 for the Leupold rifle scope and approximately \$1,500 for the PEQ. On or about May 4, 2006, U/C sent money orders in the amount of approximately \$2,225, including cost of shipping, to CARMEL. On or about May 8, 2006, CARMEL confirmed by e-mail his receipt of the funds. On or about May 15, 2006, the ICE Manhattan office at its undercover address received a package from CARMEL containing a Leupold rifle scope and one PEQ. The return address on the package read: Mr. David R. Carmel, 35060 225th Avenue, Gilman, WI 54433-9548. We subsequently determined, by tracking the serial number through the manufacturer's and military records, that the PEQ had been manufactured by Insight Technology for DoD and originally sent to an Army Infantry base at the Schofield Barracks in Hawaii.
- On or about May 18, 2006, U/C had a consensually recorded telephone conversation with DAVID RAYMOND CARMEL, the defendant, in which CARMEL said he had other PEQs available at the same price of approximately \$1,500 ~ "but it ain't from me." On or about June 5, 2006, a CARMEL agreed to sell to U/C a PEQ for \$1,500, together with some M60 gun parts and a Light Interference Filter. On or about June 9, 2006, U/C mailed money orders to CARMEL in the amount of approximately \$2,060. about June 16, 2006, CARMEL confirmed by e-mail receipt of the funds. On or about June 20, 2006, the ICE office in Manhattan, at its undercover address, received a package from CARMEL containing the gun parts, filter, and a PEQ. The return address on the package listed: Mr. David R. Carmel, 35060 225th Ave, Gilman, WI 54433. We subsequently determined, by tracking the serial number through the manufacturer's and military records, that that PEQ had been manufactured by Insight Technology for DoD and originally sent to an Army Infantry base at the Schofield Barracks in Hawaii.
- 9. On or about January 30, 2007, U/C e-mailed DAVID RAYMOND CARMEL, the defendant, about purchasing another PEQ. On or about February 5, 2007, CARMEL agreed to sell to U/C two PEQs for approximately \$3,200, including shipping. On or about February 15, U/C sent CARMEL three money orders totaling approximately \$3,000. On or about February 23, 2007, CARMEL confirmed by e-mail to U/C that he had received the money orders and shipped the



PEQs. On or about February 26, 2007, the ICE Manhattan office, at its undercover address, received a package from CARMEL containing two PEQs. The return address on the package listed: Mr. David R. Carmel, 35060 225th Ave, Gilman, WI 54433. By tracking the serial number through the manufacturer's and military records, we subsequently determined that those PEQs had been manufactured by Insight Technology for DoD, ordered by the DoD's Defense Finance Accounting Service and picked up by or dropshipped to a military base.

WHEREFORE, your deponent prays that a warrant issue for the arrest of the above-named defendant and that he be imprisoned or bailed, as the case may be.

LORI A. IADOVITO
Special Agent
U.S. Department of Defense
Defense Criminal Investigative Service

Sworn to before me this 21th day of May, 2007

THE HONORABLE KEVIN NATHANIEL FOX UNITED STATES MAGISTRATE JUDGE SOUTHERN DISTRICT OF NEW YORK

Case 1:07-cr-00537-WHP Document 8-3 F	Filed 05/10/2008 Page 26 of 94
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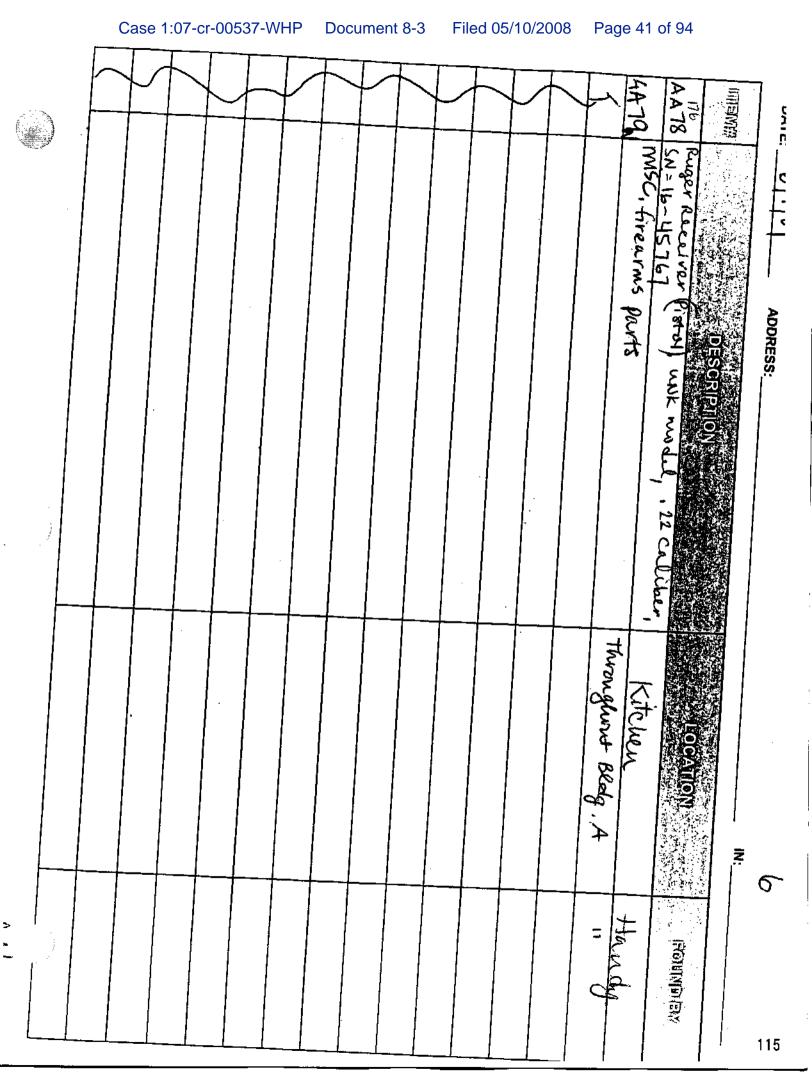
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077615A	6/01
. 3373 <i>A</i>	9/98
027610A	6/01
<i>₩7347A</i>	6/01
3276A	9/98
1891A	6/98
#026406A	5/01
3602A	7/98
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2114R	6/98
3503A	9/98
1976A	6/98

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2006A
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PAP4C 10586B 3/18 03007B 2/97 50651B NMD 05160B 8/97 06297B NMD

53217B NMD 0622B 10/97 52902B NMD

5/88/B MMD

115/658B NMD

206388 12/98

MACHINE GUN PARTS: 65Nº UZ3457 USM240. 11825980

... CONTRACT \* BAAA 09-79-C-2222

... NSN# 1005-01-025-8095

PAQ4C

NSN# 5855-01-398-4315

DAABO7-98-D-R309

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PADYC

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PAQUE

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PAQYA

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DAAB 07-89-C-F101

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PAQUA 5855-01-312-5160 BAAB07-89-C-F101 3061A

PAQUE 5855-01-398-4315 80063-A3187000 MFR 0B107

PAQYC 5855-01-398-4315 DAABO7-98-B-R309

PAPYA 5855-01-312-5160 DAABO7-89-C-F101 10173A

3149A. UNIDENTIFIABLE . 3411A ... UNIDENTIFIABLE

PAQYA 5855-01-312-5160 DAABO7-89-C- F101 10535A

PAQ4C 5855-01-398-4315 DAAB07-98-0-R309



PAOYC 5855-01-398-4315 DAAB07-98-D-R309 085959B

PAPHA 5855-01-312-5160 DAABO7-89- C- FIOI SZTZA

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5270A

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DAAB07-98-D-R309

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PAQUE 5855 .01-361-1362 DAABO7-92-C-K254

## UNITS PRESENT IN CASE

M30 BORESIGHT EQUIPMENTS WEAPONI SMAZL ARMS 4933-01-394-7781 -> 19200 P/N 12961158 MFR OBIOT DAAA 09-94-C-0066

M30 BORESIGHT EQUIPMENT WEAPON! SMALL ARMS 4933-01-394-7781 19200 P/N 12961158 MFR OBIOT DAAA09-94-C-0266 5N# 2804